

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA

ELIZABETH SINES ET AL. : Case No. 3:17-CV-72

Plaintiff : Judge MOON

:

-v-

JASON KESSLER ET AL. :

:

Defendants

BRIEF IN SUPPORT OF MOTION TO DEEM CANTWELL AS JOINING IN DE 356

In support of his motion, Mr. Cantwell states as follows:

1. Undersigned Counsel moved to withdraw as Mr. Cantwell was in breach of his contract to pay attorney fees.
2. Mr. Cantwell responded to this motion by contacting undersigned and bringing his account current.
3. That being the case undersigned have withdrawn their motion to withdraw as counsel for Cantwell.
4. Cantwell was required to file his response in opposition to Plaintiff's motion to compel on October 16.
5. Cantwell was in breach of his attorney fee contract at that time.

6. Cantwell is no longer in breach.
7. Had he not been in breach Cantwell would have fully joined in the law and argument presented in DE 356.
8. Mr. Cantwell's declaration attesting to his inability to pay for third party ESI is attached hereto.
9. It is equitable to deem Mr. Cantwell as having joined in DE 356 given the above described circumstance.

Wherefore, Christopher Cantwell moves the Court to deem him as having filed his response in opposition via DE 356 or in the alternative grant him one business day from the date the Court denies this motion to file his response in opposition to plaintiff's motion to compel.

Respectfully Submitted,

s/ Elmer Woodard
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CERTIFICATE OF SERVICE

I hereby certify this Notice and all accompanying documents were served via the Court's ECF system on October 19, 2018 upon:

All parties of record. No party is entitled to or has requested service by other means.

s/ **James Kolenich**

J. Kolenich(PHV)